

SENATE BILL 2709  
By Hamilton

AN ACT to amend Tennessee Code Annotated, Sections  
70-2-205(d), 70-2-222(a), (b) and (d) relative to  
freshwater mussels

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 70-2-205(d), is amended by deleting it in its entirety and by substituting instead the following new section:

(d)(1) A commercial fisher helper's license may be issued without limit as to numbers to any commercial fisher upon paying for each license the appropriate fee required for a commercial fisher. A commercial fisher helper is any person who assists a commercial fisher in handling fishing gear, operation of motors or any other act of assistance to the commercial fisher while in the vessel with the commercial fisher. Each commercial fisher must have in his possession a commercial fisher helper's license for each helper on board the vessel at any time.

(2) A commercial musseler helper's license may be issued without limit to numbers to any commercial musseler upon paying a fee of twenty-five dollars (\$25.00) for each license. A commercial musseler helper is any person who assists a commercial musseler in any way including while the commercial musseler is collecting, sizing, transporting, loading or unloading mussels; except that, a commercial musseler helper is specifically forbidden from harvesting or selling mussels. Each commercial musseler

must have in his possession a commercial musseler helper's license for each helper at any time.

SECTION 2. Tennessee Code Annotated, Section 70-2-222(a), is amended by deleting it in its entirety and by substituting instead the following new section:

(a) A wholesale mussel dealer shall pay to the Tennessee wildlife resources agency an amount equal to five (5) percent of the purchase price for all freshwater mussels (all species and quality with or without meat) taken from the Tennessee waters, whether for use within the state or for export, which it purchases or otherwise obtains from a commercial musseler. A receipt for each sale must be completed by the wholesale mussel dealer on forms provided by the Tennessee wildlife resources agency. The wholesale mussel dealer must give to the commercial musseler the original receipt and the wholesale mussel dealer must retain a copy. The wholesale mussel dealer must send a copy of the receipt to the Tennessee Wildlife Resources Agency. The commercial musseler and the wholesale mussel dealer must retain the receipts and make them available for inspection by the Tennessee wildlife resources agency for a period of two (2) years.

SECTION 3. Tennessee Code Annotated, Section 70-2-222(b), is amended by deleting it in its entirety and by substituting instead the following new section:

(b) All mussels harvested from Tennessee waters which are not sold to a wholesale mussel dealer shall be taxed at fifteen cents (\$0.15) per pound (all species and quality with or without meat). To maintain equity with the rate paid by wholesale mussel dealers as described in subsection (a), the rate may be changed from time to time by the Tennessee wildlife resources commission by proclamation. Procedures for tax payments shall be promulgated by the Tennessee wildlife resources commission through proclamation.

SECTION 4. Tennessee Code Annotated, Section 70-2-222(d), is amended by adding the word "education" between the word and punctuation "management," and the word "research".

SECTION 5. This act shall take effect January 1, 1997, the public welfare requiring it.